MAIL

Paper No. 9

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JUL 2 2 2003

DIRECTOR OFFICE
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In re Application of: Hopmann et al.	)
Application No. 09/412,738	)
Attorney Docket No. 13768.119	) DECISION ON PETITION TO ACCEPT
Filed: October 4, 1999	) CORRESPONDENCE AS TIMELY
For: SYSTEMS AND METHODS FOR	) FILED UNDER 37 CFR § 1.8(b)
DETECTING AND RESOLVING	)
RESOURCE CONFLICTS	)

This is a decision on the "Request to Accept Correspondence as Timely Filed." The request, filed July 2, 2003, is being considered a petition under 37 CFR § 1.8(b) to accept correspondence as timely filed. A Notice of Abandonment has not been mailed.

Petitioners' request filed on July 2, 2003 included a copy of applicants' response to the Office action dated November 5, 2002, a signed and dated certificate of facsimile transmission for January 21, 2003, and a statement by Mr. Adrian Lee attesting to his personal knowledge that the fax was originally sent on January 21, 2003. In a submission dated June 13, 2003, the practitioner submitted a copy of a "Transaction Report" dated January 21, 2003 for 20 pages.

The petitioners' evidence establishes that a timely response was, in fact, filed in response to the Office action of November 5, 2002 (Paper No. 7). The Office erred in not matching the response to the application file. It is noted the examiner did not provide a facsimile number to applicants in the Office action.

Accordingly, the petition is **GRANTED**. The paper is accepted as timely filed and therefore, the application has not been abandoned *in fact.* The Office regrets any inconvenience caused by the failure to process applicants' submission.

The application file is being forwarded to the Technology Center support staff for processing of the amendment. Thereafter, the file will be forwarded to the examiner for consideration of applicants' response.

Josie A Ballato
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